

MAINE STATE LEGISLATURE

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Governor's Bill
(EMERGENCY)
THIRD SPECIAL SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 2044

H. P. 2063

House of Representatives, May 21, 1980

Governor's Bill. The Committee on Appropriations and Financial Affairs suggested and ordered printed.

Presented by Mr. Pearson of Old Town, on behalf of the Governor.

Cosponsor: Mr. Morton of Farmington.

EDWIN H. PERT, Clerk of the House

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Fund and Implement Benefits for Managerial and Confidential Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the State has entered into collective bargaining agreements which established terms and conditions of employment for employees included in bargaining units and for whom separate legislation is being submitted; and

Whereas, the employees for whom this legislation is submitted are excluded from bargaining units pursuant to law; and

Whereas, the Governor and the Legislature share a desire to address the needs of state employees excluded from collective bargaining units on a timely basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 5 MRSA § 8, 2nd sentence, as enacted by PL 1979, c. 269, § 8, is amended to read:

For employees and state officers and officials not subject to any such agreement, the State shall pay ~~18¢~~ **20¢** per mile for miles actually traveled by such employees on such business.

Sec. 2. Allocation. There is allocated from the State Contingency Account in the Department of Finance and Administration to a special compensation account the sum of \$241,500 for the fiscal year ending June 30, 1981 to implement the salary increases and benefits provided by this Act.

Sec. 3. Confidential employees. For the purpose of this Act, confidential employees are defined as those within the Executive Branch who are excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D and H.

Sec. 4. Funding. The funding provided by this Act shall include retirement costs and shall be available for all confidential employees, except that such employees supported from sources of funding other than the General Fund shall be funded whenever possible from those sources.

Sec. 5. Special account. The funding provided shall be segregated into a special compensation account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor.

Sec. 6. Adjustment of salary plan. The current state salary schedules for confidential employees shall be adjusted at the start of the pay week closest to July 1, 1980 to reflect an increase of 7% or \$14 per week, whichever is greater, subject to the following provision. With respect to individual unclassified employees whose wage rates are subject to the Governor's determination or approval, the Governor may grant similar and equitable treatment consistent with this section.

Sec. 7. Supervisory differentials. An appointing authority may recommend and the Governor may approve the payment of a salary differential to a confidential employee who is at the maximum of his salary grade and who is earning less than a subordinate who is at the maximum of his grade and who is receiving nonstandard premium pay pursuant to a labor agreement or a salary differential pursuant to this Act. The total salary paid to any such confidential employee shall not exceed the total salary of the subordinate by more than the difference between the maximum standard base salary of the confidential employees grade and the next lower grade.

Sec. 8. Contribution toward dependent health insurance. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 285, subsection 7,

effective January 1, 1981, the State shall pay up to \$8 per month towards the cost of dependent health insurance coverage for confidential employees.

Sec. 9. Provision of basic group life insurance. Effective the pay week starting closest to July 1, 1980, the State shall, for confidential employees, pay the premiums for basic group life insurance on the employee, as available pursuant to the Maine Revised Statutes, Title 5, section 1151. This shall not affect the eligibility of any such employee to elect to insure the life of a dependent pursuant to the Maine Revised Statutes, Title 5, section 1151, subsection 2-B.

Sec. 10. Provision for temporary disability. The appointing authority at his discretion may provide to a confidential employee continued salary benefits in the event of that employee's temporary disability, according to the provisions herein.

Any confidential employee, who, after 6 consecutive months of employment, becomes totally disabled and incurs a loss of time from work as a result of sickness or accidental bodily injury which prevents the employee from performing any and every duty of his occupation may receive a benefit payment while he remains totally disabled and under the care of a licensed physician. The benefit payment shall commence on the day immediately following completion of the greater of his accumulated sick leave or 30 days of continuous total disability. It shall continue up to the earliest of:

1. **Last day of disability.** The last day on which the employee is unable to perform the duties of any gainful occupation;

2. **Balance of 180-day period.** The balance of the 180-day period of continuous total disability; or

3. **Eligibility for disability retirement allowance.** The first day the employee is eligible for a disability retirement allowance under the Maine Revised Statutes, Title 5, section 1122.

The benefit payment shall equal 66 2/3% of the employee's weekly salary at date of disablement. Any state retirement allowance shall be deducted from the benefit payment. No payment shall be made if the sickness or bodily injury is covered under workers' compensation. No payments shall be made for disabilities occurring prior to the effective date of this Act.

The Commissioner of Personnel may promulgate rules and regulations for the uniform administration of this temporary disability plan.

Sec. 11. Effect. Notwithstanding the Maine Revised Statutes, Title 5, section 11, the State Controller is authorized to implement the salary benefits that become effective under this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This Act provides a salary increase and other benefits for the managerial and confidential employees who are excluded from bargaining units under the State Employees Labor Relations Act. The employees covered by this Act hold key managerial positions, are involved in the administration of the state's collective bargaining agreements or provide confidential secretarial and administrative support to such employees. These employees received similar and equitable salary increases when the first labor agreements were negotiated, but did not benefit from the changes in fringe benefits or contract provisions. These employees are a vital group in the management of state services, and this Act provides some recognition of the contribution they make. Approximately 300 employees of the Executive Branch's 12,000 employees are currently covered by the Act. This group could increase to 500 as the result of proceeding now under way before the Maine Labor Relations Board which will determine which employees in classifications included in units have confidential responsibilities which exclude their individual positions from units under the State Employees Labor Relations Act.

Sec. 1 increases mileage allowance for confidential employees as well as employees not covered by collective bargaining to 20¢ per mile effective July 1, 1980.

Section 6 provides, for most confidential employees, a 7% or \$14 per week salary increase effective July 1, 1980 and gives the Governor authority to grant similar and equitable salary increases to such employees whose wages are subject to his determination or approval. Sec. 7 will allow those few affected department heads, with the Governor's approval, to restore minimum supervisory differentials in the game warden service, marine patrol service and State Police which were reduced or eliminated by the first collective bargaining agreements. This provision will authorize corrective action when nonstandard employees make more than their supervisors.

Sec. 8 authorizes the payment of up to \$8 per month towards spouse and dependent health care insurance effective January 1, 1981. This benefit has been granted to most employees in bargaining units.

Sec. 9 provides for payment of basic group life insurance premiums for these employees. This benefit is new for this group and is provided in recognition of their role in State Government and as comparable treatment recognizing that some benefits granted in labor agreements not applicable to these employees.

Sec. 10 authorizes a salary continuation benefit for managerial and confidential employees in the event of temporary total disability. This bridges the gap between the expiration of sick leave and the date of eligibility for disability retirement. This type of protection is not now available to state employees except through union sponsored group plans. Provision of this benefit will eliminate the potential conflict of interest resulting from managerial and confidential employees being dependent upon employee unions for income continuation insurance.